

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION

RANDLE JACKSON	§	
v.	§	CIVIL ACTION NO. 5:01cv260
BRIAN COLLINS, ET AL.	§	

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE  
AND ENTERING FINAL JUDGMENT

The Plaintiff Randle Jackson, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

On October 24, 2005, the Fifth Circuit partially reversed a dismissal of this lawsuit and remanded certain claims to the district court. A copy of this decision was sent to Jackson at his last known address, but was returned with the notation that Jackson had been discharged from confinement. The TDCJ-CID public information system says that Jackson was discharged from confinement on July 15, 2005. To date, Jackson has not notified the Court of his mailing address or current whereabouts.

On December 6, 2005, the Magistrate Judge issued a Report recommending that the lawsuit be dismissed without prejudice for failure to prosecute. The Magistrate Judge also recommended that the statute of limitations be suspended for a period of 60 days following the entry of the order of dismissal. A copy of this Report was sent to Jackson at his last known address, return receipt requested, but no objections were received; accordingly, he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds

of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this case and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge is ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled civil action be and hereby is DISMISSED without prejudice for failure to prosecute. It is further

ORDERED that the statute of limitations on the claims raised in this lawsuit be and hereby is SUSPENDED for a period of 60 (sixty) days following the date of entry of final judgment in this case. Finally, it is

ORDERED that any and all motions which may be pending in this action are hereby DENIED.

**SIGNED this 5th day of January, 2006.**

A handwritten signature in black ink, appearing to read "David Folsom", is written over a horizontal line.

DAVID FOLSOM  
UNITED STATES DISTRICT JUDGE